

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUGHES NETWORK SYSTEMS, LLC,
Petitioner,

v.

ELBIT SYSTEMS LAND AND C4I LTD.,
Patent Owner.

IPR2016-00141
Patent No. 6,240,073

**PATENT OWNER PRELIMINARY RESPONSE
PURSUANT TO 37 C.F.R. § 42.107**

LIST OF EXHIBITS

Exhibit	Description
Ex. 2001	Corrected Petition for <i>Inter Partes</i> Review of Claims 2-8, 28, and 29 of U.S. Patent No. 6,240,073 by Petitioner Hughes Network Systems, LLC, IPR2016-00142, Paper No. 6

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	OVERVIEW OF THE ‘073 PATENT	6
III.	SUMMARY OF THE DOCUMENTS CITED IN THE PETITION	9
A.	European Patent Publication EP 0719062 to Rudrapatna et al. (“Rudrapatna”) (Ex. 1004)	9
B.	U.S. Patent No. 5,673,259 to Quick (“Quick”) (Ex. 1005)	12
IV.	THE LEVEL OF ORDINARY SKILL IN THE ART	14
V.	CLAIM CONSTRUCTION	14
1.	“Multiple Access Communications System for use in a Satellite Communications Network”	15
2.	“Switching Means” / “Means For Switching”	17
VI.	THE PETITIONER HAS NOT SHOWN A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE ‘073 PATENT IS UNPATENTABLE	19
A.	Ground 1: The Petition Fails to Demonstrate That Claim 28 is Anticipated by Rudrapatna	19
1.	Rudrapatna does not disclose a “return communication link for transmitting data from said plurality of user terminals . . . including a first communication means for transmitting short bursty data in combination with second communication means for continuous transmission of data”	19
2.	Rudrapatna does not disclose a “switching means within said plurality of user terminals”	23
3.	Rudrapatna does not disclose a “receiver means within said at least one hub adapted to receive data transmitted by said plurality of terminals utilizing . . . said second communication means” ...	24
4.	Rudrapatna does not disclose that “each user terminal comprises means for generating a request to be sent over said return	

communications link in order to utilize said second communication means” 26

B. Grounds 2-6: The Petition Fails to Demonstrate that Claims 2-8 or 29 are Unpatentable Over Rudrapatna in view of Quick, Kou, Nakamura, Beal, or Wilkinson..... 29

1. The Petition Lacks Articulated Reasoning Supported by Evidence for Multiple Claim Limitations..... 30

2. The Petition Fails to Perform a Proper *Graham* Analysis 58

VII. CONCLUSION..... 60

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Cisco Sys., Inc. v. C-Cation Techs., LLC</i> , IPR2014-00454, Paper 12 (PTAB Aug. 29, 2014).....	31
<i>Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.</i> , 868 F.2d 1251 (Fed. Cir. 1989)	15
<i>Eaton Corp. v. Rockwell Int’l Corp.</i> , 323 F.3d 1332 (Fed. Cir. 2003)	16
<i>Fidelity Nat’l Info. Servs., Inc. v. Datatransury Corp.</i> , IPR2014-00489, Paper 9 (PTAB Aug. 13, 2014).....	52
<i>General Elec. Co. v. TAS Energy Inc.</i> , IPR2014-00163, Paper 11 (PTAB May 13, 2014)	5
<i>Genetics Inst., LLC v. Novartis Vaccines and Diagnostics, Inc.</i> , 655 F.3d 1291 (Fed. Cir. 2011)	33
<i>Georgia-Pacific Corp. v. United States Gypsum Co.</i> , 195 F.3d 1322 (Fed. Cir. 1999)	17
<i>Google Inc. v. Everymd.com LLC</i> , IPR2014-00347, Paper 9 (PTAB May 22, 2014)	32, 58
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966).....	6, 30
<i>InTouch Techs., Inc. v. VGO Commc’ns, Inc.</i> , 751 F.3d 1327 (Fed. Cir. 2014)	33, 37, 48, 52, 55, 57
<i>In re Cuozzo Speed Techs., LLC</i> , 793 F.3d 1268 (Fed. Cir. 2015)	14
<i>In re Donaldson Co.</i> , 16 F.3d 1189 (Fed. Cir. 1994)	18
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	31

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.